

Message Text

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ACTION OES-07

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EB-08 IO-14 SMI-01 CIAE-00 DODE-00 INR-07 NSAE-00
PA-02 USIA-15 PRS-01 INT-05 EPA-04 NSF-02 /105 W
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E.O. 11652: N/A

TAGS: SENV, IWC-1, AS, US

SUBJ: EXCHANGE OF NOTES: U.S. - AUSTRALIAN OBSERVER SCHEME
FOR LAND-BASED WHALING STATIONS - 1978 SEASON

REF: (A) 77 CANBERRA A-164. (B) 77 STATE 281041,
(C) 77 CANBERRA 8144, (D) 77 STATE 272744,
(E) 77 CANBERRA 7366, (F) 77 CANBERRA 7339,
(G) 77 STATE 250309 (ALL NOTAL)

1. DFA HAS TRANSMITTED DIPLOMATIC NOTE REQUESTING
COOPERATION BY USG AND GOA IN PROVISION OF U.S. OBSERVER TO
AUSTRALIAN WHALING STATION AT CHEYNES BEACH, WEST AUSTRALIA
FOR THE 1978 WHALING SEASON (EARLY MARCH THROUGH END OF
OCTOBER OR EARLY NOVEMBER).

2. TEXT OF NOTE FOLLOWS:

QTE THE DEPARTMENT OF FOREIGN AFFAIRS PRESENTS ITS COMPLIMENTS
TO THE EMBASSY OF THE UNITED STATES OF AMERICA AND HAS THE
HONOUR TO PROPOSE THAT THE TWO GOVERNMENTS, BEING PARTIES TO
THE INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING
(HEREINAFTER REFERRED TO AS "THE CONVENTION") SIGNED AT
WASHINGTON ON 2 DECEMBER 1946, CO-OPERATE IN AN OBSERVER
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SCHEME FOR THE WHALING STATION AT CHEYNEW BEACH IN WESTERN
AUSTRALIA. THE DEPARTMENT WOULD PROPOSE THAT THE SCHEME
OPERATE ON THE FOLLOWING BASIS:

1. FOR THE 1978 WHALING SEASON IN AUSTRALIA, WHICH IS
EXPECTED TO COMMENCE IN EARLY MARCH AND CONTINUE UNTIL THE END
OF OCTOBER OR EARLY NOVEMBER 1978, THE GOVERNMENT OF THE

UNITED STATES OF AMERICA WILL NOMINATE AN OBSERVER, WHO WILL BE APPOINTED BY THE INTERNATIONAL WHALING COMMISSION (HEREINAFTER REFERRED TO AS "THE COMMISSION"), FOR THE LAND-BASED WHALING STATION AT CHEYNES BEACH IN WESTERN AUSTRALIA.

2. (A) THE OBSERVER WILL HAVE THE STATUS OF A SENIOR OFFICIAL. APPROPRIATE MEASURES WILL BE TAKEN BY THE GOVERNMENT OF AUSTRALIA TO PROVIDE EVERY COURTESY TO THE OBSERVER AND TO ENSURE HIS SECURITY AND WELFARE IN THE PERFORMANCE OF HIS DUTIES.

(B) THE OBSERVER IS NOT INVESTED WITH ANY ADMINISTRATIVE POWER IN REGARD TO THE ACTIVITIES OF THE STATION, AND WILL HAVE NO AUTHORITY TO INTERVENE IN ANY WAY IN THOSE ACTIVITIES.

(C) THE OBSERVER WILL AT ALL TIMES BE RESPONSIBLE TO THE COMMISSION, AND WILL NEITHER SEEK NOR RECEIVE INSTRUCTIONS FROM ANY AUTHORITY OTHER THAN THE COMMISSION. THE OBSERVER WILL BE GIVEN THE NECESSARY FACILITIES FOR CARRYING OUT HIS DUTIES, INCLUDING CABLING FACILITIES.

(D) THE GOVERNMENT OF AUSTRALIA WILL ENSURE THAT THE OBSERVER MAY OBSERVE FREELY THE OPERATIONS OF THE STATION SO THAT HE MAY VERIFY THE OBSERVANCE OF THE PROVISIONS OF THE CONVENTION AND ITS SCHEDULE IN REGARD TO THE TAKING OF WHALES AND THEIR UNCLASSIFIED

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UTILISATION. IN PARTICULAR THE OBSERVER WILL BE GIVEN FACILITIES TO ASCERTAIN THE SPECIES, SIZE, SEX, AND NUMBER OF WHALES TAKEN.

(E) THE GOVERNMENT OF AUSTRALIA WILL ENSURE THAT ALL REPORTS REQUIRED TO BE MADE, AND ALL RECORDS REQUIRED TO BE KEPT OR SUPPLIED IN ACCORDANCE WITH THE SCHEDULE OF THE CONVENTION WILL BE MADE FREELY AND IMMEDIATELY AVAILABLE TO THE OBSERVER FOR EXAMINATION, AND THAT THE OBSERVER WILL BE GIVEN ALL NECESSARY EXPLANATIONS AS REGARDS SUCH REPORTS, RECORDS AND DATA.

(F) THE MANAGER OR SENIOR OFFICIALS OF THE STATION OR THE NATIONAL INSPECTORS APPOINTED IN ACCORDANCE WITH THE PROVISIONS OF THE CONVENTION WILL SUPPLY ALL INFORMATION NECESSARY FOR THE DISCHARGE OF THE OBSERVER'S FUNCTION.

(G) WHERE THE OBSERVER HAS REASONABLE GROUNDS FOR BELIEVING THAT ANY INFRACTION OF THE PROVISIONS OF THE CONVENTION HAS TAKEN PLACE HE SHALL IMMEDIATELY NOTIFY IN WRITING THE MANAGER OF THE STATION AND THE SENIOR NATIONAL INSPECTOR. THE OBSERVER WILL, IF HE CONSIDERS IT SUFFICIENTLY SERIOUS,

INFORM THE COMMISSION OF THE SAID INFRACTION AS SOON AS POSSIBLE AND WILL AT THE SAME TIME REPORT THE EXPLANATION OR COMMENTS OF THE MANAGER OF THE STATION AND THE SENIOR NATIONAL INSPECTOR.

(H) THE OBSERVER WILL DRAW UP A REPORT COVERING HIS OBSERVATIONS INCLUDING POSSIBLE INFRACTIONS OF THE PROVISIONS OF THE CONVENTION AND SCHEDULE WHICH HAVE TAKEN PLACE DURING THE SEASON OR PART OF THE SEASON IN WHICH HE SERVED AS AN OBSERVER, AND WILL SUBMIT IT BOTH TO THE MANAGER OF THE STATION AND TO THE SENIOR NATIONAL INSPECTOR FOR INFORMATION AND SUCH EXPLANATION OR COMMENTS AS THEY MAY WISH TO MAKE. ALL SUCH EXPLANATIONS OR COMMENTS WILL BE ATTACHED TO THE OBSERVER'S REPORT WHICH WILL BE TRANSMITTED TO THE UNCLASSIFIED

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GOVERNMENT OF THE UNITED STATES OF AMERICA.

THE GOVERNMENT OF THE UNITED STATES OF AMERICA WILL IMMEDIATELY FORWARD THE REPORT, WITH ANY COMMENTS IT CONSIDERS APPROPRIATE, TO THE SECRETARIAT OF THE INTERNATIONAL WHALING COMMISSION.

3. (A) THE GOVERNMENT OF THE UNITED STATES OF AMERICA WILL PAY THE SALARY AND OTHER EMOLUMENTS, TRAVEL AND CABLE COSTS OF THE OBSERVER.

(B) THE GOVERNMENT OF AUSTRALIA WILL PROVIDE TO THE OBSERVER SUBSISTENCE AND ACCOMMODATION APPROPRIATE TO THE STATUS OF THE OBSERVER TOGETHER WITH MEDICAL CARE AND ASSISTANCE WHERE NECESSARY.

(C) THE GOVERNMENT OF AUSTRALIA WILL ALSO PROVIDE SUITABLE LOCAL TRANSPORT FOR THE FACILITATION OF THE PERFORMANCE BY THE OBSERVER OF HIS DUTIES.

THE DEPARTMENT OF FOREIGN AFFAIRS HAS THE HONOUR TO PROPOSE THAT, IF THE FOREGOING IS ACCEPTABLE TO THE EMBASSY, THIS NOTE AND THE EMBASSY'S REPLY SHOULD CONSTITUTE AN ARRANGEMENT BETWEEN THE TWO GOVERNMENTS EFFECTIVE ON THE DATE OF THE EMBASSY'S REPLY. END QTE.

3. DEPARTMENT REQUESTED AUTHORIZE EXCHANGE OF NOTES. WILL THERE BE DELAY DUE NEED SEEK CIRCULAR 175 AUTHORITY? DOES USG HAVE OBSERVER CANDIDATE IN MIND AT THIS POINT AND, IF SO, WHEN MAY BE TELL AUSTRALIANS HE/SHE EXPECTED TO ARRIVE? AUSTRALIANS CLEARLY HOPE HAVE OBSERVER ON SITE FOR AS MUCH OF SEASON AS POSSIBLE. DEPARTMENT WILL NOTE THAT AS WAS CASE IN 1977 EXCHANGE, DFA ENVISAGES AN "ARRANGEMENT" RATHER THAN AN "AGREEMENT."
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Message Attributes

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ISecure: 1
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